



FAIR POLITICAL PRACTICES COMMISSION

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May 3, 2010

✓ Charles Weiland  
Alamedans Protecting Learning at Unfunded Schools, Yes on Measure E

REDACTED

Alamedans Protecting Learning at Unfunded Schools, Yes on Measure E  
c/o Charles Weiland

REDACTED

**Advisory Letter Re: FPPC Case No. 10-274; Alamedans Protecting Learning at Unfunded Schools, Yes on Measure E, and Charles Weiland**

Dear Mr. Weiland:

The Fair Political Practices Commission (FPPC) enforces the provisions of the Political Reform Act (the Act).<sup>1</sup> As you are aware, we recently received a complaint against you and Alamedans Protecting Learning at Unfunded Schools, Yes on Measure E, ("APLUS") alleging that you and APLUS have violated the campaign disclosure provisions of the Act by failing to properly file a Statement of Organization (Form 410) at the required locations.

The Act requires county ballot measure committees to file the Form 410 with the Secretary of State and with the county. (GC § 84101(a).) Although APLUS initially appeared to be a ballot measure committee, Section 82043 of the Act defines a "measure" as "any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a legislative body, or which is submitted or is intended to

<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualified for the ballot." Further, the Act defines "election" as "any primary, general, special or recall election held in this state." (Section 82022.)

Our investigation determined that you filed the Form 410 with the county as well as a campaign disclosure report (Form 460). It also determined that Measure E in Alameda County was a mail-out procedure under Proposition 218 whereby ballots are mailed to all property owners in an assessment district to determine if there is a majority protest to an assessment.<sup>2</sup>

In the FPPC's *Hicks* Advice Letter, No. I-98-007, and *Rogers* Advice Letter, No. I-04-255, we advised the cities of Oakland and Palo Alto respectively that their mail-out ballot and protest procedures were neither "elections" nor "measures" as defined by the Act. Based upon the definitions and the FPPC's interpretation of the Act, the mail-out ballot and protest procedure required under Article XIII D of the California Constitution is not considered by the FPPC to be either a measure or an election and neither supporters nor opponents of the assessment are required under the Act to file campaign reports.

If you have any questions regarding this letter, please contact me at (916) 322-5660.

Sincerely,

REDACTED

Adrianne Korchmaros  
Political Reform Consultant  
Enforcement Division

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cc. Howard David  
Jeff Normart  
Alameda County Registrar of Voters Office  
1225 Fallon Street G-1  
Oakland, CA 94612-4283

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<sup>2</sup> This was also confirmed in a telephone conversation with Mr. Jeff Normart of the Registrar of Voters Office in Alameda County.